



PATENT

THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re application of:

David U. Hillstrom

Serial No.: 10/656,978

Filed: September 5, 2003

For: OUTDOOR MENU DISPLAY DEVICE

Attorney Docket No.: MDI 0595 PUS

I hereby certify that this correspondence is being deposited with the United States Postal Service as first-class mail in an envelope addressed to: Mail Stop Petitions, Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450 on:

1-23-2004

(Date of Deposit)

Karen A. Harris

(Signature)

PETITION TO MAKE SPECIAL DUE TO ACTUAL INFRINGEMENT

Mail Stop Petitions
Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

The Applicant hereby petitions to make this application special because of actual infringement.

Accompanying this Petition is a supporting statement of facts, as well as a supporting statement by an attorney.

The Commissioner is authorized to charge the fees required by this Petition to
Deposit Account No. 50-0476.

Respectfully submitted,

ARTZ & ARTZ

A handwritten signature in black ink, appearing to read 'John A. Artz', is written over a horizontal line.

John A. Artz

Registration No. 25,824

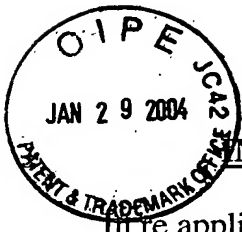
28333 Telegraph Road, Suite 250

Southfield, Michigan 48034

Phone: (248) 223-9500

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Dated: January 22, 2004



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John A. Artz

(Signature)

**STATEMENT IN SUPPORT OF PETITION
TO MAKE SPECIAL DUE TO ACTUAL INFRINGEMENT**

Mail Stop Petitions
Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

1. I, John A. Artz, am an attorney admitted to practice law in the States of New York and Michigan. I also am registered to practice before the United States Patent Office (Reg. No. 25,824).
2. I am a partner in the law firm of Artz & Artz, 28333 Telegraph Road, Suite 250, Southfield, Michigan 48034. I reside in Bloomfield Hills, Michigan.
3. I am one of the appointed attorneys and agents of the inventor to prosecute the above-identified application in the United States Patent Office.

4. I have made a comparison of the alleged infringing display modules referred to in the accompanying statement of David U. Hillstrom and compared them to the pending claims of this application. These display modules are being sold or offered for sale to McDonalds and Burger King.

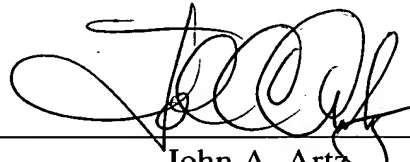
5. In my opinion, claims 12, 14 and 42 on file in this application are unquestionably infringed. Also, apparatus claims 24, 26, 29, 31-33, 35-36, 37 and 41 and method claims 17, 18 and 20-21 would be unquestionably infringed if the display modules mentioned above were positioned in a housing (which, upon information and belief, is being done).

6. I have a good knowledge of the pertinent prior art. All such material art is being disclosed to the Examiner in an Information Disclosure Statement which is being filed concurrently herewith.

7. I believe that all of the claims in this application that currently are on file are allowable.

1/22/2004

Date



John A. Artz



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David U. Hillstrom

(Signature)


**STATEMENT OF FACTS IN SUPPORT OF
PETITION TO MAKE SPECIAL DUE TO ACTUAL INFRINGEMENT**

Mail Stop Petitions
Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

1. I, David U. Hillstrom, am the inventor of the subject matter of the above-identified patent application. I live in Novi, Michigan, and am employed by Marketing Displays, Inc. in Farmington Hills, Michigan, which is the assignee of the application.

2. There is an actual infringement of this invention. A company called LSI Industries is currently selling display modules to fast food restaurants which incorporate my invention and infringe the pending claims in the present application.

3. Based on information that I am aware of at this time, these display modules are being sold at least to McDonalds and Burger King and are being used at some of their restaurants.



David U. Hillstrom

Dated: January 21, 2004